

UNDERHILL PLANNING COMMISSION

Thursday, October 19, 2017 6:30 PM

Minutes

Planning Commissioners Present: David Edson, Catherine Kearns, David Glidden, Johnathan Drew, Nancy Bergersen, Pat Lamphere

Staff/Municipal Representatives Present: Andrew Strniste, Planning Director

Others Present: Peter Duval, Underhill Resident

[6:25] The Planning Commission convened at Underhill Town Hall at 6:25pm.

[6:31] Acting Chair and Commission Clerk Catherine Kearns called the meeting to order.

[6:32] Underhill Resident, Peter Duval, provided public comment informing the Commission that their process is wrong as they are arriving at a proposal that was already rejected by the voters. Specifically, he advised that the Commission is not learning and that there are other things in the Town Plan that they could be working on. When Mr. Duval was asked by Commissioner Drew on what he wanted done differently, he advised that the Commissioner should not be putting forth the same plan. Commissioner Edson informed Mr. Duval that the proposal is not the same.

[6:39] Mr. Duval then advised that Underhill is the way it is because the zoning hasn't changed in 50 years, which has brought stability to the Town. He then advised that Commissioner Gregson was able to effectively do her job as Underhill Zoning Administrator because the Regulations were only 20 pages, and that anything was possible and everything was conditional. Mr. Duval then alleged that there was a now giant zoning code that was not enforced, and that the only people that are able to understand the Regulations are big time developers or anyone who takes the time to understand. He then informed the Commission that the current proposal is a big step back from the original zoning, which was based on hydrology and geology, as well as planned for natural resources. Mr. Duval continued on to state that while having dense centers is a nice idea, there is no architecture or planning theory that went into the proposed zoning district. He also stated that there was a huge difference between the cut and paste document the Town has now and what the Town use to have, and that there was a big difference between changing and simplifying. Mr. Duval also advised that the proposal did not have any foundation as there have been no traffic studies, no build out studies, and no analysis of conformity outside of the center performed. Staff Member Strniste interjected and advised that he was under the impression that all of the changes previously proposed were one ballot item, and that we could not ascertain why the voters voted no. In response, Mr. Duval advised that the 2013 proposed Underhill Center District was proposed as a separate ballot item.

[6:45] Mr. Duval strongly recommended that the Commission should refrain from putting forth its proposal and start over. He predicted that the voters will reject the idea just like in 2013 because the Town people don't want the proposed district. Mr. Duval continued to state that the Planning Commission could be working on the following tasks rather than updating the Zoning Regulations: building energy standards & passive housing; enforcing the outdoor lighting standards so they comply with the Zoning Regulations; establishing a conservation fund & bonding to fill up that fund; acquiring the Jacobs field; acquiring the sawmill in Jericho. Mr. Duval then stated that if the Commission were willing to withdraw their proposal, he'd be happy to come back and help the Commission achieve the goals in the Town Plan. He then advised that he was sure the Commission would be delighted to learn of other tricks where other communities

were successful with land use Planning, where in the last ten or so year, the Town of Underhill has gone off the rails.

- [6:49] Acting Chair C. Kearns asked for a motion to approve the minutes of September 21, 2017. **Commissioner Edson made a motion to approve the minutes of September 21, 2017**, which was seconded by Commission Bergersen. **The motion was approved unanimously.** Acting Chair C. Kearns advised that a quorum from the October 5, 2017 public hearing was not present at the evening's meeting, and therefore, voting to approve that set of minutes was tabled. Acting Chair C. Kearns asked for a motion to approve the minutes of October 12, 2017. **Commissioner Edson made a motion to approve the minutes of October 12, 2017.** The motion was seconded by Commissioner Glidden, and **was unanimously approved.** The minutes of October 7, 2017 are to be distributed shortly after the evening's meeting to be reviewed by the Commission, and then voted on at a subsequent meeting.
- [6:55] Acting Chair C. Kearns opined that the Commission could proceed in one of four different ways: 1) submit the proposal to the Selectboard as it was originally written; 2) submit the proposal to the Selectboard with minor changes; 3) submit the proposal in part: either the multi-dwelling structures section with other edits, or only the Underhill Village Center District; or 4) withdraw the proposal and start over. She then advised that the possible minor changes under number 2 above were: a) instead of eliminating the owner occupancy regulation, incorporating a time limit that both of the dwelling units can remain unoccupied by the landowner or a family member; b) eliminating the proposed 200 ft. limitation regulation for detached accessory dwellings; c) eliminating the 1,000 sq. ft. restriction for detached accessory dwellings; and d) modifying the lot size in the proposed Underhill Center Village District. The Commission agreed that they should determine the direction they wanted to proceed in before making minor changes. Both Commissioners Drew and Edson agreed that scenario 2 above, submitting a proposal to the Selectboard with minor changes, was the appropriate choice. Commissioner Edson advised that he agreed with a comment from one of the hearings that the proposal addressed concerns in the rural areas of Underhill as well as addressing issues in Underhill Center, and also allows for a little bit more development. Commissioner Lamphere abstained for commenting since he owned property within Underhill Center. He did advise that he was fine with all of the original proposal, as it went through the democratic process. Both Commissioners Bergersen and Glidden agreed that some minor changes were needed. Acting Chair C. Kearns voiced her reservations about submitting the entire proposal, as she opined that one aspect of the proposal may inhibit another aspect of the proposal. Commissioner Drew advised that he did not get the sense that the public overtly objected to the Underhill Center Village District.
- [7:04] Staff Member Strniste provided the Commission with the owner occupancy regulation from the Town of Richmond as a model regulation. Commissioner Lamphere inquired about situations regarding enterprises or legal entities, and suggested that an agent be appointed. Commissioner Kearns advised that she thought more people were concerned with the lack of a time limitation than an appointed agent, and suggested a time limitation that could be renewable. Commissioner Drew suggested that the agent situation be addressed, and suggested the following language: "any other property owning body shall appoint a local agent." Commissioner Kearns advised she felt comfortable with a renewable time limitation. Staff Member Strniste and the Commission discussed the issues with a renewable time limit. Ultimately, the Commission agreed upon a two year limitation that is renewable one time for two years with express written notification to the Zoning Administrator.
- [7:26] The Commission discussed the 200 ft. limitation for detached accessory dwellings from the principal dwelling. Commission Glidden recommended that the 200 ft. limitation be changed to

appurtenant. Commission Drew advised that he liked the intention of the 200 ft. limitation, but realized the issues surrounding the restriction.

- [7:34] A discussion ensued on whether the Commission should keep the 1,000 sq. ft. limitation for detached accessory dwellings in place. The Commission agreed that it should keep the limitation in place as the public did not seem overly concerned about the restriction.
- [7:40] A discussion ensued on whether the Commission should increase the acreage requirement in the proposed Underhill Center Village District from 0.75 acres to a larger lot size. After reviewing the data supplied by Staff Member Strniste, and in response to the public's feedback, the Commission agreed to increase the lot size requirement from 0.75 acres to 1.50 acres.
- [7:50] The Commission reviewed Chair C. Seybolt's comments about the possible issues she provided to Staff Member Strniste prior to the Commission's meeting.
- [7:51] The Commission agreed to meet on November 7, 2017 with the Town of Jericho. Staff Member Strniste advised that the Selectboard would be holding their public hearings on the proposed updates on December 5, 2017 and December 12, 2017. There would be a quorum on November 2, 2017, the Planning Commission's next regularly scheduled meeting.
- [7:56] **Commissioner Drew made a motion to adjourn.** Commissioner Bergersen seconded the motion, which was **passed unanimously**.

Respectfully Submitted By:

Andrew Strniste, Planning Director

The minutes of the October 19, 2017 meeting were accepted this 21st day of December, 2017.


Catherine Kearns, Planning Commission Clerk